IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-01-2002

CORAM:

THE HONOURABLE MR.JUSTICE K.P.SIVASUBRAMANIAM

WRIT PETITION No. 2389 of 2001 and W.M.P.No. 3228 of 2001

Michael @ Sankaralingam ... Petitioner

-Vs-

1. The Principal Commissioner and
The Commissioner of Revenue
Administration
Chepauk
Chennai - 5.
2. The Commissioner of Adi Dravidar &
Tribal Welfare Commissionerate
Chepauk
Chennai - 5.
3. The District Collector
Tirunelveli District
Tirunelveli. ... Respondents

PRAYER:
Petition under Article 226 of the Constitution of India praying for the issue of a writ of certiorarified mandamus as stated

For petitioner : Mr. S.Thalaimuthuarasu

For respondents : Mr. M.S.Palanisamy,
Addl. Government Pleader

: O R D E R

The petitioner prays for a writ of certiorarified mandamus, to call for the records on the file of the third respondent in his proceedings in No. Mu.Mu.A4.47756 for 2000 dated 17-11-2000 and to quash the same and to direct the respondents to appoint the petitioner's son namely Eswaran in any Government undertakings/quasi Government/local bodies with immediate effect.

2. The short facts leading to the filing of this writ petition are that the petitioner is an aged Agricultural Coolie. He has six children. Due to communal riots, his son Vellaisamy was killed by unknown persons. Therefore, based on Government Order No. 896 dated 9-7-1970 , the petitioner pleaded for compassionate appointment on the ground that one of the members of

the family was the victim of the communal riots. By virtue of the impugned order dated 17-11-2000, the Collector of the District had expressed doubts as regards the eligibility of the petitioner to secure compassionate appointment. He has stated that the Government has not taken any decision in this context.

3. In the face of the aforesaid mentioned Government Order which positively entitles a legal representative of a deceased member of Scheduled Caste or Scheduled Tribe to secure compassionate appointment arising out communal riots, the impugned order cannot be sustained.
4. The learned Government Pleader has brought to my notice, a letter of the department of Adi Dravidar and Tribal Welfare Commissionarate dated 22-05-1999 issued in the context of the case of the petitioner himself, recommending that the petitioner be provided with compassionate appointment in the District in any available vacancy. Therefore, it is sufficient to direct the Government to implement both G.O.Ms.No.896 dated 8-7-1990 and also the order of the Director Aid Dravidar & Tribal Welfare Commissionarate, Chennai dated 22-05-1999 in Na.Ka.No.H4/10049 at the earliest within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above observations, this writ petition is ordered accordingly. No costs. Consequently, connected W.M.P.No.3228 of 2001 is closed.

25-01-2002
Index: Yes/No

Sg

To

1. The Principal Commissioner &
The Commissioner of Revenue,
Administration,
Chepauk,
Chennai-5.

K.P.SIVASUBRAMANIAM,J

2. The Commissioner of Adi Dravidar &
Tribal Welfare Commissionerate,
Chepauk,
Chennai-5.

3. The District Collector,
Tirunelveli District,
Tirunelveli.
W.P.No.2389/2001 and

W.M.P. No. 3228/2001
25-01-2002